

EPA Region 5 Records Ctr.



258713

**United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

DOCKETING STATEMENT

*Administrative Agency Review Proceedings
(To be completed by appellant/petitioner)*

1. CASE NO. 94-1666 2. DATE DOCKETED 10/11/94
3. CASE NAME
(lead parties only) Superfund Coalition Against v. Environmental Protection Agency
Mismanagement
4. TYPE OF CASE: ☒ Review ☐ Appeal ☐ Enforcement ☐ Complaint
5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? YES ___ NO X
IF YES, cite statute: _____
6. CASE INFORMATION:
 - a. Identify agency whose order is to be reviewed: EPA's Office of Solid Waste and Emergency Response
 - b. Give agency docket or order number(s): Directive # 9355.4-12
 - c. Give date(s) of order(s): July 14, 1994
 - d. Is a request for rehearing or reconsideration pending at the agency? YES ___ NO X
 - e. Are any other cases involving the same underlying agency order pending in this Court or in any other court? YES ___ NO X If YES, identify name(s), docket number(s), and court(s): _____
 - f. Are any other cases, to counsel's knowledge, pending before the agency, this Court or the Supreme Court which involve *substantially the same issues* as the instant case presents? YES ___ NO X
If YES, give name(s) and number(s) of these cases and identify court/agency: _____

Signature William Perry Pendley by: Joanne Herlihy Date 11/11/94
 Name of Counsel or Pro Se Litigant (Print) William Perry Pendley, Esq., Joanne Herlihy, Esq.
 Firm Mountain States Legal Foundation Phone (303) 961-0244
 Address 1660 Lincoln Street, Suite 2300
Denver, Colorado 80264

Counsel for Appellant/Petitioner (Name of Party) Superfund Coalition Against Mismanagement, et al.

ATTACH A CERTIFICATE OF SERVICE

Note: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 10 days by letter, with copies to all other parties, specifically referring to the challenged statement. An original and three copies of such letter should be submitted.

USCA FORM 7
(AUG. 1989)

Post-It™ brand fax transmittal memo 7571		# of pages > 6
From: Steve Siegel		To: George Wyll
Co: 312 884 0147		Co: 212 7707
Dept.		Phone #
Fax #		Fax #

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SUPERFUND COALITION AGAINST
MISMANAGEMENT, INC., a Colorado and
Pennsylvania non-profit corporation;
GRANITE CITY, ILLINOIS; CRAIG A.
TARPOFF, in his official capacity as
Alderman, Granite City, Illinois;
HAROLD CAVINS, DEAN D.W. DeLONG,
BEN FREI, TONY MEDINA, DR. JOHN H.
NICHOLSON, and CHARLES B. PRINCE,
individually,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY; CAROL M. BROWNER,
Administrator, United States
Environmental Protection Agency;
ELLIOTT P. LAWS, Assistant
Administrator, Office of Solid Waste
and Emergency Response; and OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE,

Respondents.

Case No. 94-1666

STATEMENT OF ISSUES TO
BE RAISED

COME NOW, Petitioners, Superfund Coalition Against
Mismanagement, Inc., ("SCAM") et al., by and through their
attorney, Mountain States Legal Foundation, and pursuant to this
Court's Order, dated October 12, 1994, states the issues to be

raised in the above-captioned case as follows:

(1) Whether OSWER Directive # 9355.4-12, issued July 14, 1994, must be promulgated in accordance with 5 U.S.C. § 553.

(2) Whether adoption of the IEUBK model, as adopted in OSWER Directive # 9355.4-12, issued July 14, 1994, must be

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SUPERFUND COALITION AGAINST
MISMANAGEMENT, INC., a Colorado and
Pennsylvania non-profit corporation;
GRANITE CITY, ILLINOIS; CRAIG A.
TARPOFF, in his official capacity as
Alderman, Granite City, Illinois;
HAROLD CAVINS, DEAN D.W. DeLONG,
BEN FREI, TONY MEDINA, DR. JOHN H.
NICHOLSON, and CHARLES B. PRINCE,
individually,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY; CAROL M. BROWNER,
Administrator, United States
Environmental Protection Agency;
ELLIOTT P. LAWS, Assistant
Administrator, Office of Solid Waste
and Emergency Response; and OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE,

Respondents.

Case No. 94-1666

CERTIFICATE AS TO
PARTIES, RULINGS, AND
RELATED CASES

PARTIES

Petitioners: SUPERFUND COALITION AGAINST MISMANAGEMENT

Petitioners are: SUPERFUND COALITION AGAINST MISMANAGEMENT, INC., a Colorado and Pennsylvania non-profit corporation; GRANITE CITY, ILLINOIS; CRAIG A. TARPOFF, in his official capacity as Alderman, Granite City, Illinois; HAROLD CAVINS, DEAN D.W. DeLONG, BEN FREI, TONY MEDINA, DR. JOHN H. NICHOLSON, and CHARLES B. PRINCE, individually.

Respondents are: UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; CAROL M. BROWNER, Administrator, United States

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SUPERFUND COALITION AGAINST
MISMANAGEMENT, INC., a Colorado and
Pennsylvania non-profit corporation;
GRANITE CITY, ILLINOIS; CRAIG A.
TARPOFF, in his official capacity as
Alderman, Granite City, Illinois;
HAROLD CAVINS, DEAN D.W. DeLONG,
BEN FREI, TONY MEDINA, DR. JOHN H.
NICHOLSON, and CHARLES B. PRINCE,
individually,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY; CAROL M. BROWNER,
Administrator, United States
Environmental Protection Agency;
ELLIOTT P. LAWS, Assistant
Administrator, Office of Solid Waste
and Emergency Response; and OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE,

Case No. 94-1666

STATEMENT OF DEFERRED
APPENDIX

COME NOW, counsel for Petitioners, Mountain States Legal Foundation, and state that they wish to utilize a deferred appendix pursuant to Fed. R. App. P. 30(c).

Respectfully submitted this 11th day of November, 1994.

William Perry Pendley by: Joanne Herlihy
William Perry Pendley, Esq.
Joanne Herlihy, Esq.
MOUNTAIN STATES LEGAL FOUNDATION
1660 Lincoln Street, Suite 2300
Denver, Colorado 80264
(303) 861-0244

ATTORNEYS FOR PETITIONERS